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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,166	12/31/2003	Udi Manber	121908	5005
26389	7590	08/25/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			DESIRE, GREGORY M	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			2625	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,166

Applicant(s)

MANBER ET AL.

Examiner

Gregory M. Desire

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/9/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication filed 6/9/05.

Response to Arguments

2. Applicant's arguments, see interview summary, filed 6/17/05, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Consumer Reports.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9, 12-13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Consumer Reports (archive website www.consumerreports.org archived on 12/02/2000 by the Way Back Machine at www.archive.org.)

Regarding method claims 1, 12 and 18 Consumer reports discloses,

Receiving a request for access to one or more electronic images of a physical text in which the request identifies the user submitting the request (page 1 shows subscribing to consumer reports online, online magazine is an electronic image).

Confirming user access of the physical text based on the user identity (consumer reports subscriber is confirmed by billing and subscription information and 22 digit code on mailing label).

Consulting one or more access rule that define an amount of content in electronic images of the physical text that can be provided to user based on the user's ownership of the physical text (input digit code (an access rule) defines all information of consumer reports online of consumer reports magazine can be provided based on subscription of the magazine); and

Providing user access to one or more electronic images of the physical text in accordance with the one or more access rules (page 3 immediate access is provided to reports online based on subscription of the magazine an entering digit code

Regarding claim 9 Consumer reports discloses,

Wherein on or more access rules permit access to electronic images of the entire physical text (note page 4, allows access the entire current issue).

Regarding claim 13 Consumer Reports discloses,

Acquiring images comprises scanning printed pages of a physical text (note page 4, examiner interprets online access to an issue is based on the acquiring images comprising scanning printed pages of physical text).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Consumer Reports in view of Greene et al (6,802,000).

Regarding claim 10, Consumer Report is silent disclosing the purchase physical text is an item that physical text normally accompanies. Greene discloses a plurality of physical text that includes login information (note col. 4 lines 2-25, flyer and manuals accompany physical text). Consumer Reports and Greene are combinable because they are from the same field subscribing online referencing a hardcopy document. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the purchase physical text being the item that normally accompanies physical text. The suggestion/motivation for doing so would have been variety of hardcopy document to not limit documents that include login reference (note col. 4 lines 21-23).

Regarding claim 11 Consumer Reports and Greene discloses,

Wherein the physical text is an operating manual for the item purchased by the user (note col. 4 lines 21-23, lines include a manual examiner interprets as operating manual).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-8, 14-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vellandi (6,385,614) and Consumer reports in further view of Sachs et al (6,331,865).

Regarding method claims 2 and 19 Vellandi discloses,

Receiving a request for access to one or more electronic images of a physical text (note col. 2 lines 14-15, request electronic books) in which the request identifies the user submitting the request (note col. 2 lines 17-22 cookies identifies user that submits request).

Confirming user access of the physical text based on the user identity (note col. 6 lines 6 examiner interprets subscriber gaining access as confirmation of user access of the book based on password (user identity)).

Consulting one or more access rule that define an amount of content in electronic images of the physical text that can be provided to user based on the user's ownership of the physical text (note col. 6 lines 40-55, subscriber request define amount of content in electronic image that can be provided); and

Providing user access to one or more electronic images of the physical text in accordance with the one or more access rules (note col. 6 lines 40-55, once request granted, user provides exclusive access to one or more electronic images). However, Vellandi is silent disclosing confirming user ownership of physical text. Consumer reports disclose confirming user ownership of physical text to access electronic images (note page 3, Special annual, entering code from magazine mailing label). Vellandi and Consumer reports are combinable because they disclose subscribing to electronic images. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to confirm user ownership in the system of Vellandi as evidenced by Consumer reports. The suggestion/motivation for doing so would have been providing user owning the physical text a discount rate when subscribing to electronic image (note page 3, special annual). Therefore it would have been obvious to combine Vellandi with consumer reports to obtain the invention specified in claim 2.

Vellandi and Consumer reports are silent disclosing,

Providing access to a user-personalized library of electronic content and automatically including the provided electronic images of the physical text in the user's personalized library for later access. Sachs discloses providing access to a user-personalized library of electronic content (Sachs col. 5 lines 40-47, provides access to electronic bookshelf of electronic content) and automatically including the provided electronic images of the physical text in the user's personalized library for later access (col. Sachs 5 lines 59-61, content in personal library is stored and retrieved). Vellandi, Consumer reports and Sachs are combinable because they disclose electronic images.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include user-personalized library of electronic content in the system of Vellandi and Consumer Reports as evidenced by Sachs. The suggestion/motivation for doing so would have been archiving electronic images (note col. 5 lines 59-61). Therefore, it would have been obvious to combine Vellandi, Consumer Reports and Sachs to obtain the invention as specified in claim 2.

Regarding method claims 3 and 15 Vellandi, Consumer reports and Sachs discloses,

Wherein automatically including the provided electronic images in the user's personalized library comprises storing a link in the user's personalized library, in which accessing the link provides access to the images in a centralized database of images (note Sachs col. 5 lines 49-58, URL link stores content both personalized and centralized library).

Regarding method claims 4, 16 and 20 Vellandi, Consumer reports and Sachs discloses,

Setting a flag associated with images in the user's personalized library to indicate that user ownership of the physical text has been confirmed (note Sachs col. 6 lines 1-25, examiner interprets the encrypted tag as flags user ownership is confirmed).

Regarding claims 5 Vellandi, Consumer reports and Sachs discloses,

Wherein confirming user ownership comprises reviewing purchase information pertaining to the user and determining whether the user has purchased the physical texts (note Sachs col. 6 lines 1-25, user order reviews purchase information, price paid shows user purchased physical texts).

Regarding claim 6 Vellandi, Consumer reports and Sachs discloses,

Communicating with a third party regarding purchase information of the user (note Sachs, col. 6 lines 25-30, third party for revenue).

Regarding claims 7 and 17 Vellandi, Consumer reports and Sachs discloses,

Confirming user ownership comprises receiving from the user a receipt evidencing purchase of the physical text (note Sachs col. 6 line 16-25, order ID confirms the text has been paid).

Regarding claims 8 and 14 Vellandi, Consumer reports and Sachs discloses,

Receiving from the user an image a page from the physical text (note Sachs col. 3 lines 30-35, similar to physical text).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner
Art Unit 2625

A handwritten signature in black ink, appearing to read "Gregory M. Desire", is written over the printed name and title.

G.D.

August 20, 2005